

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LIZBETH PINEDA,

Defendant.

Case No. 2:12-cr-00232-LDG-PAL

ORDER

(Mot Release Property - Dkt. #56)

Before the court is Defendant Lizbeth Pineda's Motion to Release Personal Belongings Seized at the Time of Arrest and Proposed Order (Dkt. #56). Counsel for Pineda requests that belongings seized from her at the time of her arrest including a Dell laptop computer with power cords, a Blackberry cellular telephone, an Apple iPhone, and miscellaneous clothing and personal items be returned to her. Defense counsel represents that he communicated with Assistant U.S. Attorney Andrew Duncan, and was advised to contact the North Las Vegas Police Department, whose officers arrested the Defendant, to request the items. Counsel for Pineda represents that officers of the North Las Vegas Police Department stated they would not release any items seized absent a court order.

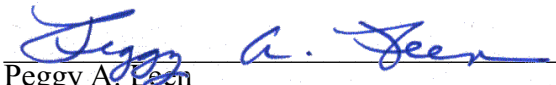
The government did not file a response to the motion, and the time for filing a response has run.

Having reviewed and considered the motion the court finds this court lacks personal jurisdiction over the North Las Vegas Police Department to order it to return items seized by officers of the North Las Vegas Police Department on the date of her arrest on state charges. The Complaint (Dkt. #1) filed in this federal action confirms that on June 6, 2012, Pineda was the driver of a vehicle pulled over in a traffic stop conducted by a North Las Vegas police officer. The complaint indicates the officer told Pineda he could smell marijuana and that Pineda admitted to smoking "some weed." Further investigation ensued which resulted in the recovery of a clear plastic bag containing a substantial

1 quantity of suspected methamphetamine in the vehicle. The court has no information about whether
2 North Las Vegas prosecuted or intends to prosecute the Defendant for any offense related to the June 6,
3 2012, traffic stop and arrest. The fact that Ms. Pineda was federally prosecuted for possession of
4 methamphetamine with intent to distribute arising out of a stop conducted by the North Las Vegas
5 Police Department does not give this court jurisdiction over the North Las Vegas Police Department.
6 Accordingly,

7 **IT IS ORDERED** that Defendant's Motion to Release Personal Property (Dkt. #56) is
8 **DENIED.**

9 Dated this 20th day of February, 2013.

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12 Peggy A. Feen
13 United States Magistrate Judge
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